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Looking Back: A Case Study of Career Interest and Experiential Learning in Law School

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LOOKING BACK: A CASE STUDY OF CAREER INTEREST AND EXPERIENTIAL LEARNING IN LAW SCHOOL

DAVID I. C. THOMSON* AND STEPHEN DANIELS**

I. Context: The Relevance of Student Career Interest	285
II. Denver Law and the Denver Case Study	288
A. Denver Law and Experiential Learning	288
B. The Denver Law Study.....	289
III. Incoming Denver Law Students.....	291
A. Preferred Learning Style and Career Interest	291
B. Interest in Experiential Learning and Career Interest	293
IV. Denver Law Students Looking Back.....	296
A. Preferred Learning Style and Career Interest	296
B. 3/4Ls Interest in Experiential Learning and Career Interest	299
V. Conclusion	304

Like the others writing in this symposium we participated in the March 2020 symposium—Teaching Better Business Lawyering—co-sponsored by Willamette Law School’s Business Lawyering Institute and the Willamette Law Review. Unlike the other participants, neither of us teaches anything related to business lawyering per se (one of us is not even a lawyer). Our interest is in experiential learning, one of the themes animating that conference.

We do research on law students’ views of experiential learning. Why? Even though experiential learning is receiving renewed attention

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in the legal academy following the post-2010 downturn in enrollments,¹ students themselves remain largely left out of the discussion. This, at the very least, is shortsighted. Asking students about curricular opportunities for experiential learning must be a larger part of the discussion. After all, if students do not perceive a value in legal education in light of the cost, the lights could soon go out at many law schools.

We became more persuaded of the importance of this idea as the conference played out. The symposium brought us into the world of business law teaching, which to some degree has a problematic view of experiential learning. The experience led us to think about our own research—surveys of law students at the University of Denver (“Denver Law”)—in a new way. One asking questions about students whose career goals are related to a non-litigation business practice.² More specifically, it’s questions about their experiences with and views of experiential education. Do student experiences and views differ based on career goals, and if so how? Are students with an interest in a business practice different than their peers with different interests?

We cannot answer these questions for all law students and law schools writ large. We can, however, explore them—and so add to the discussion—in reporting on the data from a detailed, longitudinal case study of students and experiential learning at one law school—Denver Law. This article is divided into four parts. First, some general observations on what led us to think about our research differently—the importance of career relevance with attention to students interested in a business-related career. Second, an overview of our ongoing study of students and experiential learning at Denver Law—a study designed to follow an incoming class as it goes from first year to last and into the practice of law. Third, through the lens of career interest, an analysis of 1L Denver Law students’ preferred style of learning and their views on experiential learning. Fourth, a corresponding analysis of Denver 3/4L students with a twist. Where the 1L analysis explores learning style and experiential learning as students enter law school, the 3/4L analysis explores these matters as they are finishing. The 3/4Ls were

1. See David I. C. Thomson, *Defining Experiential Legal Education*, 1 J. EXPER. LEARN. 1 (2015).

2. A functional definition: “Transactional lawyers are sometimes referred to as corporate or deal lawyers. The practice is a broad category that would include a diverse mix of corporate, banking, real estate, tax, and intellectual property, among other practice types.” Margaret E. Reuter & Joanne Ingham, *The Practice Value of Experiential Legal Education: An Examination of Enrollment Patterns, Course Intensity, and Career Relevance*, 22 CLINICAL L. REV. 181, 226 (2015).

asked to look back on their time at Denver Law with regard to experiential learning and compare to themselves as 1Ls.

I. CONTEXT: THE RELEVANCE OF STUDENT CAREER INTEREST

While law schools have been increasing their practice-focused educational opportunities for some time,³ “Experiential Learning” became a hot topic following the steep post-2010 enrollment declines. Simply put, experiential learning is course work teaching law primarily through experience—placing students in the role of attorneys.⁴ Some of this is a response to the significantly tighter job market and the overarching concern with value and student debt—what a student gets for the substantial investment made. Some is in response to criticisms of legal education by those outside of the legal academy.⁵ Some came from the 2007 Carnegie Report, with its emphases on lawyering/practical skills, professionalism, and integrative approaches that link doctrine and practical experience.⁶ Responding to such concerns, in 2014 the ABA Section on Legal Education and Admission to the Bar added to its standards for law school accreditation a graduation requirement of “one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement.”⁷

As evidenced by the change in the ABA standards for law school accreditation, the value of experiential learning would seem to be accepted, even if one might question whether the graduation requirement is sufficient. Participants at the Willamette symposium did not question the value of experiential learning, instead the discussion focused on how to execute it in a business law context. Among the sources discussed was a 2010–2011 retrospective study that looked at experiential

3. See AM. BAR ASS'N SECTION ON LEGAL EDUC. & ADMISSIONS TO THE BAR, A SURVEY OF LAW SCHOOL CURRICULA: 2002–2010 (Catherine L. Carpenter ed., 2012); Franklin Gevurtz, *Report on Nationwide Survey of Changes in the Law School Curriculum, Curriculum Survey Results* (2011); Thomson, *supra* note 1.

4. See Thomson, *supra* note 1, at 20, for a student-focused definition of experiential learning.

5. See Ill. State Bar Ass'n, *Report and Recommendations of the Special Committee on the Impact of Current Law School Curriculum on the Future of the Practice of Law in Illinois* 6–7 (2015).

6. William M. Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* 28 (2007); see generally Am. Bar Ass'n Section of Legal Educ. & Admissions to the Bar, *The Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992) (also known as the “MacCrata Report”); see also Thomson, *supra* note 1, at 6–16.

7. Am. Bar Ass'n Section on Legal Educ. & Admissions to the Bar, *Standards and Rules of Procedure for Approval of Law Schools* 16 (2019–2020).

opportunities in school from the perspective of practitioners. Of interest was its assessment of those opportunities for students interested in a business practice (hereafter the EL Survey study -- "EL" for Experiential Learning).⁸

That study is worth a bit of discussion. It was a comparative/retrospective study relying on two surveys, one for private practice attorneys done in the fall of 2010 and the other for public interest lawyers in the fall of 2011. The EL Survey study "examined lawyers' self-evaluations of the educational benefit of clinic, field placement, and skills courses."⁹ It is comparative in looking at two different sets of lawyers based on their practices. It is retrospective in asking the two sets of lawyers to look back at their time as law students (for some, this was many years in the past) with regard to any experiential coursework they may have had and their views on that coursework.

The views of business lawyers in the study, in and of themselves as well as compared to civil side public interest lawyers, were far from sanguine with respect to experiential learning. At the most basic level this is the study's key finding. It is the take-away that caught the attention of the Willamette symposium participants.

Driving the EL Survey study and structuring its design was a key theoretical idea—what can be called a "career relevance hypothesis."¹⁰ Although the findings are based on lawyers' views of matters in the past, the authors use the findings to make claims about real time students, their willingness to take experiential coursework, and the importance of career interest for their decisions to do so. "These data provide the first suggestion that students bound for private and public practice careers approached their course selections with intentionality and directionality."¹¹ This is the key take away for future work. As the authors say in the article's abstract, "career relevance is fundamental to understand . . . the learning value of experiential learning coursework."¹²

8. See Reuter & Ingham, *supra* note 2. Specifically, view the article and its message being highlighted by Professor Deborah Burand in her presentation at the Willamette Business Law symposium. Burand, "Building the Case" for the Business Lawyer of Tomorrow: Putting Impact into Practice, 56 WILLAMETTE L. REV. 101, 109-11 (2020).

9. Reuter & Ingham, *supra* note 2, at 182. The idea "was to understand the nature of the value to lawyers as they transitioned to practice, through the lens of the information they know best -- the particular characteristics of the EL coursework they took." *Id.* at 186.

10. See *id.* at 198-231.

11. *Id.*

12. *Id.* at 181.

The EL Survey study found that experiential coursework “was rated positively by nearly every lawyer, albeit not evenly.”¹³ “Not evenly” tells us something generally about variation among students with different career interests. “The data show a striking linear progression with public interest lawyers rating their clinical experience most highly and the large firm lawyers valuing their clinical training least highly.”¹⁴ The difference for business lawyers illustrates what they called the starkest difference: the one between “litigators in civil public interest legal services practice and transactional lawyers in private, large firm practice.”¹⁵ They found that “transactional lawyers found the least utility in EL coursework, the legal services civil litigators gave the strongest ratings.”¹⁶

In a sense, this hypothesis—with its particular idea of “not evenly”—animated the Willamette symposium and the participants’ efforts to think about experiential learning opportunities relevant to students whose career interests are in business law. The importance of this matter can be found by looking at some recent data from annual LSSSE surveys. In the 2018 survey, 31% of those 3/4Ls who listed a primary field of legal specialization chose a non-litigation business area, and the largest proportion of them listed corporate and securities (28%).¹⁷ In other words, we’re talking about a significant proportion of law students.

Importantly, the authors of the EL Survey study were quite explicit about the study’s limitations and what should be taken from their work.¹⁸ They said, “We have attempted to identify data limitations throughout the article, but there are other limitations that may temper one’s interpretation of these findings This survey research was exploratory with the goal of identifying insights that might stimulate

13. Reuter & Ingham, *supra* note 2, at 183.

14. *Id.* at 197. “The differences are pronounced and statistically significant.” *Id.* at 199.

15. *Id.* at 226. Here public interest means poverty law. *Id.* Unanswered is the question of whether the transactional lawyers just didn’t have opportunities that made sense in terms of their career interests or whether they rejected the idea of experiential learning altogether. The study seems to suggest the former, not the later. *See id.* at 230–31.

16. Reuter & Ingham, *supra* note 2, at 226–27.

17. 2018 is the latest year available for which the LSSSE included a primary legal specialization question: “Which field best describes your primary area of legal specialization or expected area of specialization?” The Law School Survey of Student Engagement (LSSSE) is administered annually to students in participating schools by the Indiana University Center for Postsecondary Research. *See The LSSSE Survey Tool*, LSSSE, <http://lssse.indiana.edu/about-lssse-surveys/> (last visited July 6, 2020).

18. *See* Reuter & Ingham, *supra* note 2, at 239, app. A (“Limitations of the Study and Recommendations for Future Research”). Such transparency is rare and should be commended.

future research.”¹⁹ Among those limitations admitted by the authors (and among the more problematic) is the timing of the surveys. “Given the timing of the EL Survey and the dates that the respondents attended law school, the data collected do not capture any curricular reform since 2011, and at best, captured a modest level of curricular reform since the 2007 Carnegie Report.”²⁰ Some of the data may have come from lawyers who went to law school ten years or more before the article’s 2015 publication date. Ancient history for experiential learning given all that has happened in the interim.²¹

As an invitation for future research, the EL Survey study and its claims about students and experiential learning is one worth accepting. The study tried to bring students into the discussion, but only by extrapolating from the retrospective views of practicing lawyers long after their time as students. While the intention is in the right direction, the results may not be the most helpful. We want to accept the invitation to extend the discussion of experiential learning and bring students themselves right into the middle of the discussion. The career relevance hypothesis—with its emphasis on students—animates this article as well. It is a case study using data from our Denver Law surveys of students to explore the career relevance idea, with attention to, but not exclusively, students whose career interests are in business law.

In the next section we turn to our case study and provide an overview of experiential education at Denver Law, outline our study of Denver Law students, and outline the kinds of questions we want to ask in light of the EL Survey study and the issues raised at the Willamette conference.

II. DENVER LAW AND THE DENVER CASE STUDY

A. *Denver Law and Experiential Learning*

Experiential learning is not new to Denver Law, its website says experiential learning “has been a part of our culture for more than a century . . . we’ve long been recognized as a pioneer in experiential learning, opening the nation’s first law school legal aid clinic in 1904.”²² Building on a robust experiential foundation, in 2013 Denver

19. See *id.* at 239–40.

20. See *id.* at 239.

21. See Thomson, *supra* note 1.

22. Sturm College of Law, *Practical Experience*, U. OF DENV., <https://www.law.du.edu/academics/practical-experience> (last visited June 29, 2020).

Law instituted its Experiential Advantage (EA) program. It was developed as a part of a renewed focus on experiential learning and it is built upon the three “Carnegie Apprenticeships”—“the intellectual or cognitive,” “the forms of expert practice,” and “identity and purpose.”²³

Together with a required six-credit Lawyering Process program during the first year (which is itself experiential), the EA program:

Combines live client clinics, high-quality externships (including our new Semester in Practice Externship), and legal simulation courses to provide a full year of practice-based learning to every Denver Law student who chooses to participate in this curricular option. Students can take a minimum of 30 credits of experiential learning, and, as part of that 30 credits, may choose a live client experience consisting of either a clinic or externship opportunity. Practice-based experiences like these put students in the shoes of practicing lawyers under the tutelage of expert professors and practitioners, providing unparalleled opportunities to develop as a lawyer.²⁴

In 2014, Denver Law added its Live Client Guarantee, “which provides every Denver Law student with dynamic, hands-on client interactions outside of the classroom via clinics and externships.”²⁵

Denver Law also substantially upgraded its externship program, expanded its simulation offerings, and incentivized faculty to convert existing courses into a more experiential model.²⁶ The overall idea was to leverage the intrinsic value of experiential learning in an integrated curriculum in order to shape a curriculum more attractive to potential students; better prepares students to practice law; and has them be more attractive to prospective employers.

B. The Denver Law Study

The implementation of EA offered an opportunity to bring students into the discussion. As the program was being developed and rolled out, we designed a survey-based study to explore the impact of this program on enrollment and the student educational experience. Starting in the fall of 2013, we surveyed three entering classes (2013–

23. See SULLIVAN ET AL., *supra* note 6, at 28.

24. Sturm College of Law, *The Experiential Advantage*, U. OF DENV., <https://www.law.du.edu/index.php/experiential-advantage?EE=1> (last visited June 29, 2020).

25. *Id.* Important for this article, Denver Law added a transactional clinic and two experiential courses.

26. See David I. C. Thomson & Stephen Danicls, *If You Build It, They Will Come: What Students Say About Experiential Learning*, 13 FLA. A&M U. L. REV. 203, 207–211 (2018).

14, 2014–15, and 2015–16), surveyed them again as second year students, and then surveyed the first two cohorts (2013–14 1Ls and 2014–15 1Ls) as third year students. We have now begun to extend the research to Denver Law graduates—those who graduated in 2016 and 2017 (1Ls in 2013–14 and 2014–15). Table 1 outlines the temporal logic:

Table 1.
Administration of Denver Law Surveys

1Ls	1Ls	1Ls		
	2Ls	2Ls	2Ls	
		3/4Ls	3/4Ls	
				Grads (2016 and 2017)
2013–2014	2014–2015	2015–2016	2016–2017	2020

The study was designed with two ideas in mind. First, as a cohort study to follow a given class, and second, as panel study to follow individual students through their time at Denver Law. Regarding the latter, we are especially interested in the “repeaters,” those who completed a survey as a 1L and as a 3/4L (their first and last years). This allows for comparisons on an individual level.²⁷

The surveys asked students questions on a variety of topics relating to their legal education as well as on their backgrounds. Among those relevant for this article are: (1) Reasons for choosing Denver Law (including experiential opportunities); (2) preferred learning style; (3) importance of experiential learning; (4) experiential coursework; and (5) career plans.²⁸

The 3/4L surveys added a set of look-back questions asking students to reflect on: (1) Their reasons for choosing Denver Law; (2) experiential education at Denver Law; and (3) their experience with experiential learning at Denver Law.

The current phase of the research asks 2016 and 2017 graduates—now as practicing lawyers—to reflect on their student experiences at

27. For an explanation of how this was done, *see id.* at 213.

28. The Denver Law Surveys used the same list of fields as the LSSSE surveys with two exceptions, they did not include General Practice or Education. *See LSSSE, supra* note 17.

Denver Law, especially in relation to experiential learning and opportunities.²⁹

Here we want to probe student preferences and views regarding experiential learning through the lens of career interest, with attention to those interested in a business-oriented practice. Following the basic logic of the EL Survey study, this means asking questions built on comparisons among Denver Law students based on their career goals. Because ours is only a case study of students at one school, we do need to be careful not to overgeneralize and our interpretations will be accordingly modest. In effect, in making these comparisons and asking these questions we will be looking to see if we can reject the null hypothesis, which says there is no significant relationship between or among certain variables, e.g., no significant relationship between career interest and view of experiential learning. The next section takes us to the students and 1L students' preferred learning style and views of experiential learning.

III. INCOMING DENVER LAW STUDENTS

A. Preferred Learning Style and Career Interest

A threshold question regarding experiential learning for those just entering law school is a straightforward one: what is their preferred learning style? Given its retrospective design, it is not a question the EL Survey study could have asked. We asked students about their preferred learning style and what they think—for them—is the most effective way to learn the law. We also asked about their career interest and almost all of the 1Ls chose one from a list of options.³⁰ Of those who did (combining all three 1L surveys together), 36% listed a business-related specialization,³¹ and the largest proportion among them listed “business/corporate.”³² As a point of reference, 32% of the 1L students in the 2018 LSSSE survey listed an interest in a business-related field.³³

29. For more detailed information on the Denver study's design and execution, see Thomson & Daniels, *supra* note 26, at 211–14.

30. 356 1Ls listed an area of specialization, 89% of the 399 total 1L respondents (all three 1L surveys).

31. 127 of 356 respondents listed one of the following: business/corporate, intellectual property, labor/employment, real estate, tax, health, or corporate and securities.

32. 59 of 127 or 46%. This was also the largest percentage for any specific area of specialization—59 of 356 or 17%. The next largest percent was for “criminal,” at 48 of 356 or 13%.

33. Of 6,570 1Ls in the 2018 LSSSE survey, 4,280 chose a field from among a list of 24 fields and 1,349—or 32%—chose a business-related field.

Denver Law is then roughly typical in the number of students interested in a business-related career.

The top row of Table 2 shows the breakdown for all Denver Law 1L respondents for learning style, and the other rows show the breakdowns for three specific areas of career preference—business, public interest, and criminal—along with a general non-business category. The three areas are the three largest career categories for the 1Ls and together account for two-thirds of the preferences selected.³⁴ The key message in that top row is clear, very few students preferred a primarily lecture-based approach and instead preferred experiential learning wholly or in part.

Table 2

1L Preferred Learning Style
(percentage of respondents)

	Primarily Lecture	Practice-Based	Both Equally
All 1L (n=397)	3%	47%	50%
Business (n=127)	4%	46%	50%
Non-Business (n=229)	3%	50%	47%
Public Interest (n=60)	2%	47%	52%
Criminal (n=48)	2%	65%	33%

Reading down the Primarily Lecture column shows the same is true for each of the career areas. There is, however, some variation in the other two columns in Table 2 on the experiential-relevant categories. These two categories give us a more nuanced sense of learning style and some idea of intensity regarding experiential learning. Most noticeably, it is not the business group that stands out, but those respondents interested in a criminal law career. This group leans toward a more intense practice-based approach compared to the other two groups. It appears that at this general level career interest is relevant.³⁵ Perhaps we could reject the null hypothesis of no relationship.

More interesting and important for understanding the relevance of career interest are the specific comparisons between different groups based on learning style. The EL Survey study, with its message about

34. Only one other preference, environmental law, accounted for as much as 5% of the responses.

35. This general pattern in Table 2, with criminal law standing out, is statistically significant, chi-square, sig .04, one-sided. A one-sided or one-tailed test means the direction of the relationship is assumed. Here, career interest influences learning preference rather than a situation in which the direction could go either way requiring a two-tailed test. All significance tests used in the remainder of the article will be one-sided.

students interested in business law, was built around such comparisons. The simplest question is whether there is a significant difference between business and all non-business preferences combined. Do the students in the business law group differ significantly from their peers who do not share their interest? Regardless of whether we leave Primarily Lecture-Based in the analysis or not the answer for business v. non-business is no, there is not a statistically significant difference. On the other hand, perhaps we shouldn't reject the null hypothesis.³⁶

What about the more specific comparisons between business and either of the other specific groups on learning style? They really go to the heart of the matter for career relevance. As we might expect from Table 2, the difference between the business group and the criminal law group is significant, regardless of whether we leave Primarily Lecture in or not.³⁷ The difference between business and public interest is not. To go a step further, the difference between criminal and public interest is significant if we leave Primarily Lecture out.³⁸ Finally, although it is not in Table 2, the difference between the criminal group and the group of all non-criminal is also significant with or without Primarily Lecture.³⁹ So, it looks more like a split decision on the null hypothesis.

Taken together these results show a general preference for experiential learning, with career interest relevant to understanding variations within. Interestingly, it is not the business group, as in the EL Survey study, that stands out as different because of some dislike of experiential learning. It is the criminal law group that stands out with a stronger preference for experiential learning. The more interesting question will come later—does this pattern persist when the question is asked of students in the last year of law school in light of their experiences?

B. Interest in Experiential Learning and Career Interest

Asking about learning style is just a threshold question. Our surveys had a different set of questions that can supplement the threshold question in a more concrete way with regard to experiential learning. We asked 1Ls to individually rate on a 0 to 100 scale the importance of

36. In the interest of brevity, only significance levels for the statistically significant relationships will be reported.

37. With Primarily Lecture left in, chi-square sig .041; Fisher's Exact sig .023 (Fisher's Exact is preferred for 2x2 tables).

38. With Primarily Lecture left out, Fisher's Exact sig .043.

39. With Primarily Lecture left in, chi-square sig .029; left out, Fisher's Exact sig .015.

nine factors as their reasons for choosing Denver Law: location, experiential learning job statistics, cost, the EA program, financial aid, school rank, blogs/others' views, and faculty scholarship.⁴⁰ Knowing that such a decision is likely to be multi-faceted, the idea was to gauge the importance of experiential learning in the context of other obvious factors that had nothing to do with experiential learning.

We have taken the respondents' ratings on that 0 to 100 scale for each reason and averaged them as a way of comparing the importance of each reason on set scale. A higher mean score for one reason means it is more important to students than one with a lower score, and so on. Table 3 shows those average scores. Looking at 1Ls overall (top row), they generally were very pragmatic in their reasoning for choosing Denver Law. Not surprisingly, location stood out as the most important factor.⁴¹ Experiential learning opportunities is next in order of importance, followed by job statistics, cost, the EA program (for those previously aware of the program), financial aid, school rank, blogs/others' views, and lastly faculty scholarship.

Table 3
1L Reasons for Choosing Denver Law by Career Preference
(mean score 0 to 100 scale)

	Loc	Exper	Jobs	Cost	EA	Fin'l	Rank	Others	Schlr
All 1L (n=399)	84	63	56	51	51	51	49	41	20
Business (n=127)	84	61	54	47	41	47	52	45	21
Non-Business (n=229)	85	65	58	52	48	53	49	41	20
Public Interest (n=60)	88	63	57	48	46	62	44	40	19
Criminal (n=48)	89	62	52	41	45	39	50	36	15

40. Thomson & Daniels, *supra* note 26, at 219. For the EA program, we are including here only those who were aware of it before deciding on Denver Law.

41. This is consistent with a 2017 survey of potential and first year law students showing location to be the top reason for choosing a law school. See Jeff Allum & Katie Kempner, *Inside the Minds of Future Law School Grads: Some Findings from Before the JD*, 87 B. EXAMINER 9, 9–10 (Winter 2018–2019).

We also looked at interconnections among the reasons and found the strongest are a combination of experiential learning, the EA program, and job statistics.⁴² The second strongest is a combination of cost and financial aid. In our view these combinations reflect students' pragmatic orientation with value in mind. Law school, especially a private one, is expensive and students expect value for the investment they are making. Aligning with learning preference, experiential learning opportunities provide students, in their view, with something that will aid in achieving the return on that investment—a good lawyer job after graduation.

Returning to Table 3, it has a column for each of those nine factors with rows for the career preferences used in Table 2, plus a row for all non-business respondents. In almost all respects those with a business interest are quite similar to their peers with a non-business preference, especially with regard to the top reasons for choosing Denver Law—location and experiential learning. For only one reason is there a statistically significant difference for the scores in Table 3—the EA program.⁴³ Even though they were aware of the program, it was a bit less important (but not unimportant) for the those with a business-related preference. As to why, we have no answer as yet. Perhaps it was just too new.

As we did with learning preference, we compared the business group with the criminal law and public interest groups. Reading down the Experiential column shows, like the Location column, little variation among the three career interest groups. For each, Experiential is the second most important factor—interestingly, more important than Cost and Financial Aid. None of the differences on Experiential and EA between the business group and either of the other two groups are significant. The groups are largely similar.⁴⁴ With the exception noted above, the null hypothesis holds.

We did some additional comparisons on the idea that other factors may be important for understanding the reasons for choosing Denver Law, especially experiential learning. Among them were gender and race/ethnicity. While we found women to be quite similar to their male

42. See Thomson & Daniels, *supra* note 26, at 221–23 for details on the statistical analysis behind this.

43. The means (or averages) for the two sets of student responses—business v. non-business—were compared using an independent samples t test, with the difference for EA being statistically significant, sig. = .05.

44. None of the other comparisons in Table 3 between the business group and either of the other two groups are statistically significant.

counterparts with regard to their reasons for choosing Denver Law, there is a significant difference for Experiential (but not for EA).⁴⁵ We also found a significant difference for Experiential (but not EA) when comparing white/non-Hispanic and non-white students.⁴⁶ The data do not allow us to do more on the possible importance of gender and race/ethnicity in relation to experiential learning, but additional research on this question is warranted.

Perhaps we should not expect much difference with regard to career preference given that Denver Law may be attracting students already predisposed to experiential learning regardless of their career interests. In that regard one might say that Denver Law succeeded. But the key question for us is what happens by the time students get to the end of their time in law school and look back on their experience. How might this vary by career interest? Even the idea of students interested in business-related careers choosing Denver Law is important in itself—there may be no inherent conflict between that career interest and experiential learning (maybe the null hypothesis doesn't make sense).

IV. DENVER LAW STUDENTS LOOKING BACK

A. Preferred Learning Style and Career Interest

We start again with the threshold question—what is the preferred learning style? With the 3/4Ls we asked them to look back on their Denver Law experience in answering the question. We combined the respondents from our two 3/4Ls for a data set with 144 students (see Table 1 above). As with the 1Ls, the message in Table 4 is clear—very few preferred a primarily lecture-based approach. One-half preferred a primarily practice-based approach, with the remainder preferring a combination of the two.

45. Independent samples t test for gender and Experiential, sig. = .04. The mean score for women on experiential is 64, for men 61.

46. The number of respondents in any given racial/ethnic category other than white are quite low so this is the only meaningful comparison we can do.

Table 4
Looking Back
3/4L Preferred Learning Style
(percentage of respondents)

	Primarily Lecture	Practice-Based	Both Equally
All 3/4L (n=143)	6%	51%	43%
Business (n=34)	9%	41%	50%
Non-Business (n=85)	4%	55%	41%
Public Interest (n=22)	5%	46%	50%
Criminal (n=25)	0%	64%	36%

The overall differences between 1Ls in Table 2 and all 3/4Ls in Table 4 are minimal. The 3/4Ls have a slightly higher preference for the more intense option of Practice-Based (51% v. 47%) and correspondingly a slightly lower preference for the less intense Both Equally (43% v. 50%). The differences, however, are not statistically significant whether Primarily Lecture is included or not. In short, the strong preference for experiential learning, at least in part, remains as does the lack of any real enthusiasm for a Primarily Lecture approach. Again, the null hypothesis appears to hold.

Of the 144 students in the 3/4L data set who listed a preferred area of practice specialization (there were 120), business, criminal and public interest are again the three top choices, together accounting for 39% of the choices. Business made up the largest number with thirty-four students—or 28%—listing it as a career preference.⁴⁷ Unlike the 1Ls, students choosing criminal made up the second largest group—25% or 21%. Those choosing public interest were third—22% or 18%.

Reading down the learning style columns in Table 4 shows career preference making little difference for Primarily Lecture. As with the 1Ls, there are some differences for the other two categories. The criminal law group stands out, as it did for the 1Ls, having a much stronger preference for the more intense Practice-Based approach, along with literally no interest in a Primarily Lecture approach. If we look, however, at the general pattern in Table 4 for the relationship between the three specific career preferences in Table 4 and the preferences for learning style, it is not statistically significant whether we include Primarily Lecture or not. This mirrors the earlier analysis for 1Ls.

If we look deeper and compare specific career groups on preferred learning style, as we did for 1Ls, there are no significant differences. Comparing business and non-business is not significant and neither is

47. Of the 3/4Ls in the 2018 LSSSE survey, 33% chose a business-related field.

comparing criminal v. non-criminal. And if we compare the 3/4L learning preferences of each group to their 1L learning preferences the comparisons are not significant regardless of whether Primarily Lecture is included or not. The null hypothesis may be hanging on.

An alternative way of looking at 1L learning preferences compared to 3/4L preferences is to look at what we call repeaters—specific students who responded to both surveys.⁴⁸ With the repeaters we can look at individual changes from first year to last year. Fifty-two of the 2013 1L respondents also completed the survey in their last year at Denver Law, and seventeen had a different learning preference in their last year. Only two changed to Primarily Lecture, one from Practice-Based (whose career interest was business-related in both surveys) the other from Both Equally (whose career interest was public interest in both surveys). One changed from Primarily Lecture to Both Equally (whose career interest was business-related in both surveys). Two stuck with Primarily Lecture (one switched from business to family law, the other stayed with business). Otherwise, students maintained their general preference for experiential learning, moving back and forth between Practice-Based and Both Equally.⁴⁹

One could also look the other way around asking about changes in career interest and learning preference. Only twelve of those fifty-two repeaters had listed the same career interest on both surveys and there are no clear patterns in the changed preferences. Nine of the twelve listed the same learning preference in both surveys. Of the other three, one switched from Both Equally to Primarily Lecture (public interest in both surveys); the second switched from Primarily Practice-Based to lecture (business in both surveys); and the third switched from Primarily Lecture to Both Equally (business in both surveys). Three switched to business from something else and each moved from Primarily Practice to Both Equally. Again, students maintained their general preference for experiential learning, moving back and forth between Practice-Based and Both Equally. If anything, experiential learning opportunities may influence a student's career interest, sometimes showing them what they do not want to do.⁵⁰

48. See Denver Law Surveys, *supra* note 28, for the methodology behind the repeaters.

49. The numbers are too low within the different categories for any meaningful statistical analysis.

50. See Thomson & Daniels, *supra* note 26, at 232–34, on experiential opportunities.

B. 3/4Ls Interest in Experiential Learning and Career Interest

For the 3/4Ls we used the same set of reasons as we used with the 1Ls, but we asked the 3/4Ls to look back on their time at Denver Law and rate each reason as to how they thought it *should have* influenced their decision. Location and cost are the most important (76). Financial aid was next in order (73), followed by job statistics (72), experiential learning (69), EA (56), rank (42), blogs/others' views (31), and faculty scholarship (19).

We described the 1Ls as pragmatic in their reasoning for choosing Denver Law. The 3/4Ls doubled-down on that pragmatism in their ratings as to what should have been important.⁵¹ When we looked at interconnections among the reasons, we found the strongest were among cost, financial aid and job statistics—perhaps the most pragmatic and immediate combination as the students faced entering the job market and repaying loans. The second was a combination of experiential learning and the EA program. These two combinations were also the most important for the 1Ls, but the order was reversed. As we noted with regard to 1Ls, students entered law school expecting value for their investment. The 3/4Ls appear no different and see experiential learning (including EA) as a key factor for capitalizing on that investment.

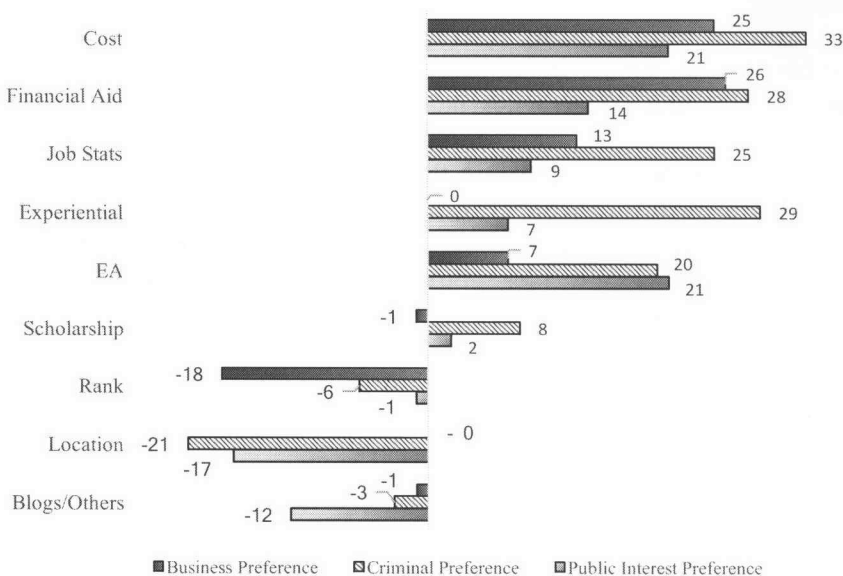
Perhaps the best way to illustrate this doubling-down is to show the difference in mean scores between 1Ls and 3/4Ls for each of the three career groups—how much more or less important for a given reason. The bars in Figure 1 do this by subtracting the mean 1L score for each of the nine reasons as they appeared in Table 3 from the mean 3/4L score, yielding positive and negative figures for each reason.⁵² The nine reasons in Figure 1 are ordered on the basis of the difference from more to less for all 3/4Ls.

51. For a detailed statistical analysis of this pragmatism, *see id.* at 230–31.

52. The specific 3/4L scores can be obtained by adding the figures at the end of each bar in Figure 1 to the corresponding figures in Table 3.

Figure 1 shows the largest positive differences are for Cost, Financial Aid, Job Stats Experiential and EA. Of more interest for present purposes is the staying power of Experiential and EA. Generally speaking, each stayed as important or became more important as students looked back. Still, there are some variations among the 3/4Ls within that general pattern speaking to the relevance of career interest. If we compare the mean score for Experiential for the 3/4L business group (69) with the mean score 3/4L criminal law (81), the difference is significant, as is the difference for EA (business 48, criminal 65).⁵³ There are no similar differences for 1Ls, suggesting that career interest may have become more important in distinguishing between these two groups on experiential learning.

Figure 1
Difference Between 3/4L and 1L Mean Scores
(1L mean subtracted from 3/4L mean)*



* 0's on graph are for Business Preference

But what of the question of change within career interest groups? This is as important as differences between the groups. Comparing the 1L to the 3/4L business group shows no change for Experiential. This

53. Independent samples t test, sig. = .007, as is the difference for EA, sig. .05.

does not mean Experiential became unimportant by any means, maintaining a mean score of sixty-one on the 100-point scale. The 3/4L group had a small, not significant increase for EA, with a mean score of forty-eight compared to forty-one for the 1L business group.

The 3/4L public interest group showed a small, not significant increase for Experiential, with a mean score of seventy compared to sixty-three for the 1L group. This group showed a much greater and significant increase for EA, with a mean score of sixty-seven compared to forty-six.⁵⁴ The criminal law group also showed a substantial, significant increase for EA (3/4L mean score of sixty-five, forty-five for 1Ls)⁵⁵ and a greater increase for EA (mean score of eighty-one).⁵⁶ The business group stands out only because of its relative stability, while the criminal law group was anything but stable. Another split decision on the null hypothesis.

Career interest is perhaps most relevant when we look at the choices among experiential opportunities—and in expected ways. The vast majority of 3/4L students took something from among Denver Law's experiential opportunities (85%) beyond the required first year Lawyering Process sequence. Nearly all of the students in the 3/4L criminal law group did (96%), as did 82% of the public interest group, and 74% of the business group. Fifty-one percent of the 3/4Ls took a clinic and reflecting Denver Law's expansion of its externship program, just over three-quarters (78%) enrolled in an externship.⁵⁷

Figure 2 shows the differences in clinic choices for the three career groups. The pattern is clear—for the most part students chose in line with their career interests. For the business group the Community Economic Development clinic dominates; for the criminal group it is the Criminal Defense clinic; and for the public interest group it is the Civil Rights clinic. Equally important are the zeroes—what students did not choose. None from the criminal or public interest groups chose the Community Economic Development clinic and none from the business group chose the Criminal Defense clinic.⁵⁸ A blow to the null hypothesis.

54. Independent samples t test, sig. = .012.

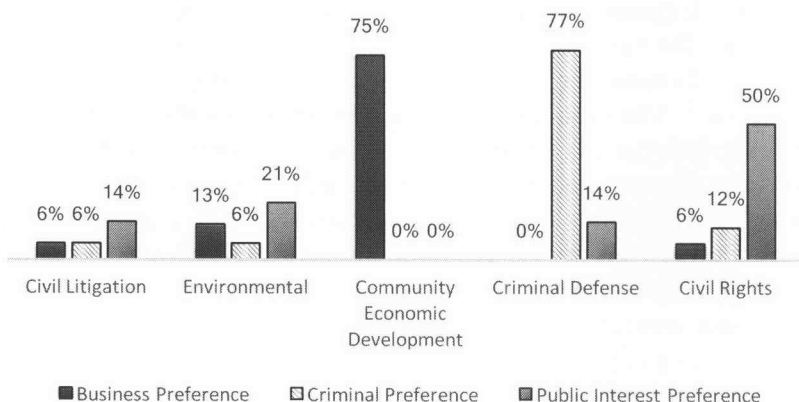
55. Independent samples t test, sig. = .010.

56. Independent samples t test, sig. = .032.

57. The lower percentage for clinics is most likely an artefact of institutional constraints—a limited number of clinics and a limited number of seats within each of them.

58. No one clinic clearly stands out as the most popular overall, although Community Economic Development leads the list at 26%, followed by Criminal Defense, 23%; Civil Litigation, 18%; Environmental Law, 16%; and Civil Rights, 16%.

Figure 2
3/4L Clinic Choices by Career Interest
(% from each group choosing a specific clinic)



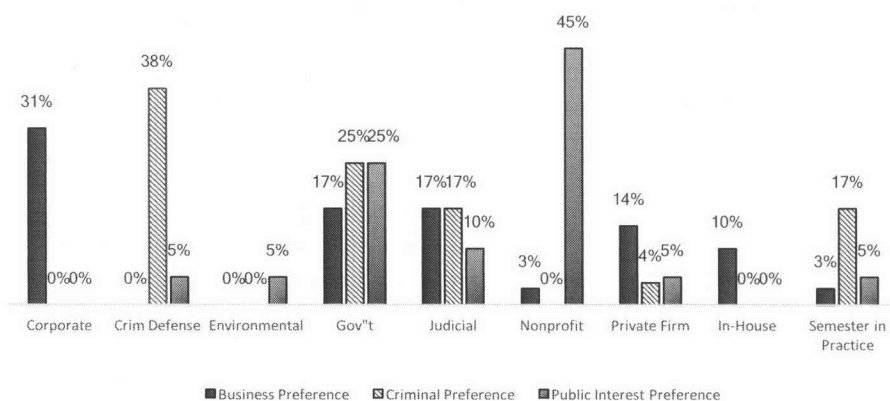
A similar pattern is shown in Figure 3 for externships. For the business group Corporate, Private Firm and In-House are the important ones. None from the other two groups chose Corporate or In-House. We can assume that the Private Firm externships chosen by those in each of the three groups would not be the same. For the criminal law group, it is Criminal Defense and Semester in Practice, and for public interest it is Non-Profit. Government Agency and Judicial are different in drawing from all three groups and these two were the most popular externships overall, each accounting for 21% of all externships chosen by the 3/4Ls in the survey. Perhaps such externships are an all-purpose choice with the job market in mind. Another blow to the null hypothesis.

What difference do the experiential opportunities taken mean for students expecting value for their investments? Our data give no direct answer, but they do give some indirect help, because we can look at whether students, upon graduation, thought they were adequately trained to practice law. Overall, 79% of the 3/4Ls answered affirmatively. The assessments for each of the three career interest groups, however, varied in a statistically significant way: business, 74%; criminal, 92%; and public interest, 91%.⁵⁹

59. The differences are statistically significant, chi-square sig .047.

Here again, the business group isn't the standout—it is close to the percent total for all 3/4Ls and the difference between the business group and all non-business on adequately prepared is not statistically significant. The difference between public interest and all non-public interest is not significant either. The difference between criminal and non-criminal, however, is.⁶⁰

Figure 3
3/4L Externship Choices by Career Interest
(% from each group choosing a specific externship)



The exact reasons for why the one group stands out are ultimately beyond the scope of this article. For instance, our survey data cannot tell us about the quality of teaching for a particular clinic; nor the value for a given externship. Still, we can probe a bit deeper to see if our survey results offer some insight and ideas for future research. For instance, what about students taking a clinic, did they think they were ready?

Ninety percent of all students doing a clinic thought they were prepared, while 66% of those who didn't thought they were prepared.⁶¹ All but one of the students in the business group doing a clinic thought they were prepared. All but one of the seventeen students in the criminal law group doing a clinic thought they were prepared. And all fourteen of the students in the public interest group doing a clinic thought they were prepared. Importantly, although the numbers are small, the

60. Fisher's Exact sig .05.

61. Fisher's Exact, sig .001.

percentage of students in the business group doing a clinic was lower than the percentage for each of the other two groups.⁶²

Eighty-three percent of those doing an externship thought they were prepared, while only 41% of those who did not thought they were prepared. The difference is significant.⁶³ Most of those in the business group doing an externship thought they were prepared—twenty-three of twenty-nine, but the difference is not significant. All but one of the twenty-four students in the criminal group doing an externship thought they were prepared. Eighteen of twenty students in the public interest group doing an externship thought they were prepared.⁶⁴

While only suggestive, it seems some amount of practical experience—clinic or externship—is linked to thinking one is prepared. The two groups with a higher percentage of students thinking they are prepared took more advantage of the EA opportunities. The remaining question is why the students in the third group—business—took less advantage of the EA opportunities Denver Law offers. It is not that the business group is generally averse to taking advantage of experiential opportunities. Perhaps there are not enough opportunities these students see as relevant. Or with clinics—which seem to have the strongest link to preparation—there simply is not enough capacity.⁶⁵

V. CONCLUSION

As outsiders to the world of business law teaching, we started with an idea animating the Willamette symposium—career relevance. That idea says career interest matters when it comes to experiential learning—especially so for those with a career interest in business law. The idea being that these students are under-served or ill-served when it comes to experiential learning—a kind of business student reverse exceptionalism. Using data from our surveys of Denver Law students we set out to explore the career relevance idea by looking at students' preferred style of learning and their views on experiential learning, with

62. Business, 47%; Criminal, 69%; and Public Interest, 64%. At this point, the numbers are too low for any meaningful statistical analysis.

63. Fisher's Exact, sig .015.

64. Because of the lop-sided distributions for the criminal and public interest groups, significance tests are not helpful.

65. One intriguing finding for the business group and preparation comes from a different kind of practical experience. We asked 3/4Ls about the summers between their second and third years. Forty-three percent did paid legal work and 91% of them thought they were prepared. For those who did not do paid legal work, 71% thought themselves prepared: Fisher's Exact, sig .004.

attention to those envisioning a career in business law. In doing so, we wanted to see what our case study could add to the discussion of experiential learning with regard to those interested in business law. Our starting point was a null hypothesis of no career relevance and we end with a split decision on that simple hypothesis.

In looking at preferred style of learning and views on experiential learning, career interest was not a major factor. This is important because it reflects a persistent, strong and clear preference for a learning style that focuses on experiential learning for students generally—including those interested in a business law career. In looking at students' views on the importance of experiential learning, we found career interest was not a major factor for 1Ls. It was for 3/4Ls, but the criminal law group was the standout rather than the business law group. Most 3/4Ls looked at experiential learning as important, but the criminal law group saw it as even more so.

Career interest is a factor, expectedly, in the experiential opportunities chosen. For the most part students chose in line with their career interests. Related, it also appears as a factor in whether students think they are adequately prepared to practice law upon graduation. Our survey results are too limited and so are only suggestive on the potential connection. But students overall and in each of the three top career interest groups who take advantage of experiential opportunities, especially a clinic, are more likely to think they are prepared. Students in the business law group, however, are less likely to take advantage of the opportunities compared to those in the criminal law and public interest groups, and business law students are less likely to think they are prepared. Not being ill-disposed to experiential learning, the question is why? It is a question we cannot answer, but for business law students we wonder if it might be an artifact of institutional constraints for the one experiential opportunity with the strongest link to preparation—clinics. There are just too few relevant opportunities, and this is the crux of our argument.⁶⁶

Finally, the underlying purpose for our ongoing work has been bringing students into the discussion of experiential learning. It is fitting to give two 3/4Ls in our surveys⁶⁷ the last word:

66. On the difficulty of increasing such opportunities, see Jay Gary Finkelstein, *Barriers to Entry: Putting it Together, School by School*, 2 J. EXPER. LEARN. 129 (2017).

67. Because of the promise of anonymity, we cannot identify either of these individuals. See Denver Law Surveys, *supra* note 28, on the methodology.

I think that experiential advantage courses, especially the Community Economic Development clinic, were very helpful in preparing me for legal practice.⁶⁸

The Community Economic Development clinic was by far the most valuable experience I had in law school. You should try to find ways to expand your transactional clinical offerings.⁶⁹

68. Respondent #3349, 3/4L Denver Law Survey (2015).

69. Respondent #3199, 3/4L Denver Law Survey (2015).